

The Gujarat High Court (Right to Information) Rules, 2005

No. C-3001/2005 In exercise of the powers conferred by Sub-Section (1) of Section 28 of the Right to Information Act, 2005, the Chief Justice of Gujarat High Court hereby makes the following rules:

1. Short title and commencement. -

- (1) These rules shall be called the **Gujarat High Court (Right to Information) Rules, 2005.**
- (2) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions.

- (1) In these rules unless, the context otherwise requires,-
 - (a) 'Act' means the Right to Information Act, 2005 (No.22 of 2005);
 - (b) 'appellate authority' means designated as such by the Chief Justice of High Court of Gujarat
 - (c) 'authorised person' means Public Information Officers and Assistant Public Information Officer designated as such by the Chief Justice of Gujarat High Court;
 - (d) 'form' means the Form appended to these rules;
 - (e) 'section' means a section of the Act.
- (2) Words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act.

3. Application for seeking information.-

Any person seeking information under the Act shall make an application in Form A to the authorised person and deposit application fee as per rule 8 with the authorised person. The

authorised person shall duly acknowledge the application as provided in Form B;

Provided that a person who makes a request through electronic form shall ensure that the requisite fee is deposited in cash with the authorised person within seven days of his sending the request through electronic form, failing which his application shall be treated as dismissed.

4. Disposal of application by the authorised person.

- (1) If the requested information does not fall within the jurisdiction of the authorised person, it shall order return of the application to the applicant in Form C as soon as practicable, normally within fifteen days and in any case not later than thirty days from the date of receipt of the application, advising the applicant, wherever possible, about the authority concern to whom the application should be made. The application fee deposited in such cases shall not be refunded.
- (2) If the requested information falls within the authorised person's jurisdiction and also in one or more of the categories of restrictions listed in Sections 8 and 9 of the Act, the authorised person, on being satisfied, will issue the rejection order in Form D as soon as practicable, normally within fifteen days and in any case not later than thirty days from the date of the receipt of the application.
- (3) If the requested information falls within the authorised person's jurisdiction but not in one or more of the categories listed in

Sections 8 and 9 of the Act, the authorised person, on being satisfied, shall supply the information to the applicant in Form E, falling within its jurisdiction. In case the information sought is partly outside the jurisdiction of the authorised person or partly falls in the categories listed in Sections 8 and 9 of the Act, the authorised person shall supply only such information as is permissible under the Act and is within its own jurisdiction and reject the remaining part giving reasons therefor.

- (4) The information shall be supplied as soon as practicable, normally within fifteen days and in any case not later than thirty days from the date of the receipt of the application on deposit of the balance amount, if any, to the authorised person, before collection of the information. A proper acknowledgment shall be obtained from the applicant in token of receipt of information.

¹[(5) Exemption from disclosure of information - The information specified under Section 8 of the Act shall not be disclosed and made available and in particular the following information shall not be disclosed:-

- (a) Any information which is not in the public domain or does not relate to judicial functions and duties of the Court and matters incidental and ancillary thereto.
- (b) Any information which has been expressly forbidden to be published by the Court or the disclosure whereof may constitute Contempt of Court; or information which includes commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger

public interest warrants the disclosure of such information; or information which would impede the process of investigation or apprehension of prosecution of offenders; or information which relates to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information.

- (c) Any information affecting the confidentiality of any examination conducted by the Gujarat High Court including Gujarat Judicial Service and Gujarat Higher Judicial Service. The question of confidentiality shall be decided by the Competent Authority whose decision shall be final.

- (6) Any information which is to be furnished and access to records shall be subject to the restrictions and prohibitions contained in rules / regulations and destruction of records in force from time to time which may have been notified or implemented by this Court.]

- ²[(7) No Judicial Officer shall be compelled to appear in person before any Authority, State Chief Information Commissioner or State Information Commissioner under the Right to Information Act, 2005, if he has made necessary arrangement for production or supply of materials required under the said Act.]

¹[] Inserted vide High Court Notification No.C.3001/2005, dated 03.04.2007

²[] Substituted vide High Court Notification No.C.3001/2005, dated 25.09.2007

5. Appeal.

(1) Any person—

(a) who fails to get a response in Form C or Form D from the authorised person within thirty days of submission of Form A, or

(b) is aggrieved by the response received within the prescribed period, appeal in Form F to the Appellate Authority ³**[and deposit fee for appeal as per rule 8 with the appellate authority.]**

(2) On receipt of the appeal, the Appellate Authority shall acknowledge the receipt of appeal and after giving the applicant an opportunity of being heard, shall endeavour to dispose it of within thirty days from the date on which it is presented and send a copy of the decision to the authorised person concerned.

(3) In case the appeal is allowed, the information shall be supplied to the applicant by the authorised person within such period as ordered by the Appellate Authority. This period shall not exceed thirty days from the date of the receipt of the order.

6. Penalties. -

(1) Whoever being bound to supply information fails to furnish the information asked for under the Act within the time specified or fails to communicate the rejection order, shall be liable to pay a penalty up to fifty rupees per day for the delayed period beyond thirty days subject to a maximum of five hundred rupees per application, filed under rule 3 as may be determine by the appellate authority.

³[] Deleted vide High Court Notification No.C.3001/2005, dated 09.11.2006

- (2) Where the information supplied is found to be false in any material particular and which the person is bound to supply it knows and has reason to believe it to be false or does not believe it to be true, the person supplying the information shall be liable to pay a penalty of one thousand rupees, to be imposed by the appellate authority.

7. Suo motu publication of Information by public authorities. -

- (1) The public authority shall suo motu publish information as per sub-section (1) of Section 4 of the Act by publishing booklets and/or folders and/or pamphlets and up date these publications every year as required by sub-section (1) of Section 4 of the Act.
- (2) Such information shall also be made available to the public through information counters, medium of internet and display on notice board at conspicuous places in the office of the authorised person and the appellate authority.

8. Charging of Fee. -

- (1) The authorized person shall charge the fee at the following rates, namely:

(A) Application Fee.

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| (i) Information relating to tenders documents/bids/ quotation/business contract: | Five hundred rupees per application |
| (ii) Information other than (i) above | Fifty rupees per application |

(B) Other Fees-

Sr. No.	Description of Information	Price/Fee in Rupees
1.	Where the information is available in the form of a priced publication.	Price so fixed
2	For other than priced publication rupees	Five per page

³[(2) The appellate authority shall charge a fee of fifty rupees per appeal.]

9. Maintenance of Records.

- (1) The authorized person shall maintain records of all applications received for supply of information and fee charged.
- (2)The appellate authority shall maintain records of all appeals filed before it and fee charged.

³[] Deleted vide High Court Notification No.C.3001/2005, dated 09.11.2006